



**MINUTES
CITY COUNCIL REGULAR MEETING
October 19, 2021**

CALL TO ORDER

The meeting was called to order at 6:30 pm.

Present: Mayor: Charlie Miner; Council: Mike Feldmann, Jahn Dyvik, and Gina Joyce

Staff Present: City Administrator: Scott Weske; City Engineer: Alex Mollenkamp; Public Works Director: Sean Diercks; and City Clerk: Jeanette Moeller

Absent: Council: Deirdre Kvale (with prior notice)

PLEDGE OF ALLEGIANCE

MAYOR'S COMMENTS – LONG LAKE NEWS, MEETING REVIEW AND UPDATES

Mayor Miner offered the following comments and updates:

The Economic Development Authority met prior to the City Council meeting and took action approving the sale of a City-owned parcel. This item is also on the Council's agenda for action.

Mayor Miner complimented staff for doing a great job dealing with a City water issue that occurred the previous Sunday, with Public Works staff coming in quickly on the weekend to make repairs, City Administrator Weske's involvement, and the City Clerk getting messages out on social media. He added that everyone's water supply should be back to normal.

Residential curbside leaf pickup is scheduled for Tuesdays, October 26 and November 2. More information on leaf pickup is available on the City's website.

APPROVE AGENDA

A motion was made by Dyvik, seconded by Feldmann, to approve the agenda as presented. Ayes: all.

CONSENT AGENDA

The Consent Agenda consisted of:

- A. Approve Minutes of September 28, 2021 City Council Meeting
- B. Approve Minutes of October 5, 2021 City Council Work Session
- C. Approve Minutes of October 5, 2021 City Council Meeting
- D. Receive Minutes of September 28, 2021 Economic Development Authority Meeting
- E. Adopt Resolution No. 2021-43 Approving a Wage Step Increase for Public Works Maintenance Worker I Matthew Menard From Step 1 to Step 2 of the Salary Pay Plan Due to Having a Satisfactory Performance Review
- F. Receive 3rd Quarter 2021 Preliminary Revenues and Expenditures as of September 30, 2021 as Presented
- G. Approve Vendor Claims and Payroll
- H. Receive Unofficial Draft Minutes of September 27, 2021 Park Board Meeting

A motion was made by Feldmann, seconded by Joyce, to approve the Consent Agenda as presented. Ayes: all.

OPEN CORRESPONDENCE

No one was in attendance to address the City Council during Open Correspondence.

BUSINESS ITEMS

Public Hearing: Consider Adoption of an Ordinance Establishing a Residential Permit Parking Only Zone on a Portion of Glenmoor Lane

City Clerk Moeller recalled that since the opening of Birch's on the Lake in late 2015, City staff and Council have received regular reports from residents of the Glenmoor Lane neighborhood of restaurant traffic parking in front of their residences. The lower portion of the Glenmoor Lane residential neighborhood has continued to be adversely affected by nonresidential parking and traffic associated with the restaurant. The City Council previously expressed support for taking some form of action to address the nonresidential parking issue in the neighborhood, making the matter a City goal.

On September 20, City staff received a written petition from residents of Glenmoor Lane requesting the City consider establishing a Residential Permit Parking Only Zone on a portion of Glenmoor Lane, beginning at 287 Glenmoor Lane on the west side and 280 Glenmoor Lane on the east side, and extending north on both sides of the street to Wayzata Boulevard W. The petition was signed by more than seventy-five percent of the owners or occupants of all the addresses within the proposed area – in fact, of the 16 impacted residences, only three did not sign the petition, and of those three, two of the households were on vacation. The petition asked that properties within the proposed Residential Permit Parking Only Zone be issued three on street parking permits to each address annually, and acknowledged that permits would only permit on street parking by permitted residents during daytime hours. On street overnight parking would remain prohibited, as it is on residential streets City wide.

The petition was received from resident Anthony Quill. Moeller acknowledged the efforts Mr. Quill, and also residents Matt Anderson and Mike Van Patten, for their efforts and advocacy on behalf of their neighborhood.

Staff has drafted Ordinance No. 2021-02, which has been reviewed and approved by both the City Attorney and Wayzata Police Chief Schultz. The proposed Ordinance would establish the Residential Permit Parking Only Zone as requested by the petition, address the permitting process and permit display requirements, and clarify enforcement tools available for citation or removal of vehicles parked on street without permits.

Upon conclusion of the required public hearing, staff recommends adoption of Ordinance No. 2021-02. Moeller noted that once the Ordinance has been adopted, signage and supplies will be purchased in order to implement the new permit process. Though the Ordinance would technically be effective once it has been published, it may take a little more time for signage to be installed and permits to be issued. Moeller explained that staff is envisioning a streamlined permit process, with permits mailed to each address annually.

Mayor Miner questioned establishment of the \$100 fine for violation of the ordinance, questioning whether the Ordinance should simply refer to the fine established by the court.

City Attorney Thames clarified that commonly the court fine would range between \$25 and \$50 plus surcharges. Referring to the court fine with penalties to be up to the maximum penalty could alternatively give someone the discretion to apply a maximum penalty.

Council member Dyvik commented that normally he would agree and prefer not to have a specific number stated in an Ordinance, but he recognized that something may come up that could require modification of the Ordinance. He did not have a strong feeling about keeping the \$100 fine in place, adding that he kind of wanted the fine to have "some teeth" so people aren't just receiving \$25 tickets.

Moeller noted that there was some thought on staff's part to the fine being more costly than a round of drinks at the restaurant.

Thames confirmed that some part of the \$100 fine amount was that a lesser fine may be worth it to some, similar to a cost of doing business argument. The towing remedy established in the Ordinance may be more effective in the end. He indicated the Council has the option to amend the Ordinance's language to defer to the courts on the fine; however, he mentioned he will likely be getting calls from court offices in the event of violations asking what the fine amount should be. Thames stated he would take direction from Council as to what fine number is preferred so he can respond to those calls.

Council member Feldmann noted that when the City Attorney receives those calls, the City is billed for his time on the clock. He agreed with Council member Dyvik's earlier comments, and commented that he was fine with leaving the \$100 fine language in the Ordinance.

Council member Joyce added that it may be easier to vote to change the Ordinance if needed rather than for the City Attorney to get repetitive phone calls.

Mayor Miner agreed the Ordinance language to that end could be left as written.

Referring to Section 5 of the Ordinance, Council and staff discussed adding language to prevent permits from being forged and altered as well, in addition to stating that permits may not be sold, leased or otherwise transferred.

A motion was made by Dyvik, seconded by Feldmann, to open the public hearing at 7:07 pm. Ayes: all.

Hearing no public comment, a motion was made by Feldmann, seconded by Joyce, to close the public hearing at 7:07 pm. Ayes: all.

A motion was made by Feldmann, seconded by Joyce, to adopt Ordinance No. 2021-02 establishing a Residential Permit Parking Only Zone on a portion of Glenmoor Lane, beginning at 287 Glenmoor Lane on the west side and 280 Glenmoor Lane on the east side, and extending north to Wayzata Boulevard W; with the addition of language preventing permits from being forged or altered in Section 5 of the Ordinance. Ayes: all.

District 4 Sanitary Sewer Rehabilitation Project – Accept Plans and Specifications, Advertise for Bid

City Engineer Mollenkamp provided a presentation discussing the current timeline for the proposed District 4 Sanitary Sewer Rehabilitation Project; and providing a detailed review of the project scope, base bid, and bid alternatives identified in the plans and specifications for bidding. Bid alternatives include options for televising the lines again before the two year warranty period expires to assure there aren't any issues the City may want to have the contractor address prior to the end of the warranty period. Upon receipt of bids, staff will present bid results to the Council with a recommendation for bid award. Staff is asking the Council to consider adoption of a Resolution to accept the project plans and specifications, and to authorize advertisement for bids.

Mayor Miner thanked City Engineer Mollenkamp for including a web link to the full plan set in her report.

A motion was made by Dyvik, seconded by Miner, to adopt Resolution No. 2021-44 accepting the Plans and Specifications for the District 4 Sanitary Sewer Rehabilitation Project and to authorize the advertisement for bids.

Council member Dyvik questioned how many bidders Mollenkamp is expecting, and whether the recommended contractor is always the lowest bidder or if other factors are considered.

Mollenkamp replied that she is hoping for at least three bids to be received. She also explained that the bid award recommendation is based on the lowest qualified, responsible bidder. The City may opt to select a contractor that is not the low bidder with cause if a contractor has a record of not completing a project properly. She also clarified that the combination of desired bid alternatives for award could result in a different contractor winning the overall project.

Council member Joyce inquired whether bids would be collected via the software mentioned to Council previously.

Mollenkamp responded that electronic bids will be submitted, with a bid opening to take place at City Hall.

Council member Dyvik asked when the approximately \$192,000 in American Rescue Plan funds is expected to be received by the City, and also brought up the matter of the \$50,000 Metropolitan Council grant.

Weske stated that the City had already received its first half payment, and will be receiving the second half of the funds in 2022. The amount to be distributed to cities was calculated based on population, and one of the allowable uses of the funds was infrastructure improvements. Regarding the Metropolitan Council I/I grant, he and City Engineer Mollenkamp indicated that the City will be submitting for reimbursement but would need to verify the timeline.

Ayes: all.

Proposed Sale of a Portion of the City-Owned Property Located on the South Side of the Properties Located at 2145 and 2165 Daniels Street and Immediately North of State Highway 12 Right-of-Way (the "Property") to the Barbara A. Hendrickson Revocable Trust (the "Hendrickson Trust")

City Attorney Thames recalled that this matter was approved by the EDA prior to the Council meeting, and involves the sale of a portion of a City owned parcel. The parcel is a remnant the City acquired from MnDOT, located adjacent to and south of 2145 and 2165 Daniels Street. The interested buyer, Mr. Hendrickson, would like to do a project to include improving the drive aisle. A land use application for a replat would make both the City's Public Works property and the adjacent Hendrickson parcels a little larger in size. Mr. Hendrickson will likely also need to make an application for a variance for a zero lot line setback. The proposed purchase agreement for consideration requests a \$50,000 purchase price, establishes contingencies for site testing and land use approvals, and includes an indemnification agreement between the parties. The EDA held a public hearing on the proposed sale, and no one was present to offer public comment. The EDA did find that the sale was advisable and recommended the Council ratify their action, as required by the EDA bylaws.

Council member Dyvik questioned at what point the variance application would be made.

Thames responded that the purchase agreement would be executed following the meeting, and then the parties would proceed to evaluation of title. The variance application by Mr. Hendrickson and the replatting would occur later as part of the government approvals.

Miner asked whether the purchase was listed in the approving resolution or in the purchase agreement.

Thames clarified that the purchase price is set forth in the purchase agreement. He also confirmed that the variance approval would be required to go through the standard City application process.

A motion was made by Dyvik, seconded by Miner, to adopt Resolution No. 2021-46, "A Resolution Approving the Sale of City-Owned Property to the Barbara A. Hendrickson Revocable Trust". Ayes: all.

Mr. Hendrickson thanked the Council for their approval of his purchase request.

OTHER BUSINESS

Council Chambers Clock – Council member Dyvik observed that the Council Chambers clock needs a new battery.

Fees Incurred by Landings at Long Lake Development – Council member Dyvik pointed out a line item on the check register for \$2,700 in attorney fees related to the Landings at Long Lake subdivision, and asked whether that was charged back to the developer. Weske stated that the fees would be charged back to the developer's escrow. Though his escrow is short at this time, Lots 3 and 4 are still part of the development, and all the responsibilities for the subdivision remain with the developer until the development is closed out. Thames explained that there are Letter of Credit security funds remaining that can be drawn on if the developer does not fund back his escrow on demand.

Boat Storage Issue at River Valley Marine – Council member Dyvik recalled that when the boat storage issue at River Valley was mentioned during the conversation of outdoor storage requirements in the City's Industrial zoning districts, he had thought to himself that the City maybe shouldn't be too tough on a small business. Since that time, he had discovered their company has eight locations, and he had observed there are boats all over the place at their Long Lake location. He found it to be a really gross violation of the City's ordinance, and he did not think people should expect that they can buy a business property in Long Lake and just ignore what ordinances say. He questioned what can be done about it. Moeller noted they appear to also be using off-site parking at an area business as well. Thames indicated that the most evident violation is purely the excessive outdoor storage by the parking of boats. Staff had engaged with their representation a year ago and they asserted some form of legal non-conforming use in relation to the prior use of the site, but what is there now is almost laughable in comparison to the prior use. He noted that staff has been a bit hesitant about conducting enforcement while the City is giving thought to potential code amendments that would determine what standard they would be held to. Council member Dyvik pointed out that River Valley's boat storage is beyond any standard now, and questioned how the matter could be addressed. Thames stated that if the Council would like to authorize moving forward with enforcement, staff would initiate the process. Mayor Miner indicated he would be in favor of the City Attorney and staff looking at the situation further and taking the appropriate action.

Council members were supportive of doing so as well. Thames committed to contacting the City's planning consultant and working to prepare a compliance notice to address the storage issue.

Street Sweeping – Moeller reported that street sweeping had been delayed until the week of November 9.

Water Issue on Sunday, October 17 – Public Works Director Diercks provided a review of the water availability issue that occurred City wide on Sunday, October 17. He had received calls at about 5:30 pm that the City was without water, and within 45 minutes both wells were restored to service. In following up on the service issue, staff learned that the failure was due to a little three-hole battery that he displayed for the Council to see. The programmable panel the battery fits into failed when staff rebooted the system, the software programmed into the logic controller was lost, and staff was running all wells and water tower operations by hand since the service failure had occurred. As of 3:00 pm before the Council meeting, the water system is back under normal operations. No Public Works staff had ever known the small battery was there in the panel, and he emphasized that the battery will now be checked annually moving forward. He added that staff felt terrible the service issue had occurred. Council member Joyce stated she had just appreciated the quick response.

CSAH 112 Speed Study – Council member Dyvik had witnessed a red pickup truck driving on the lakeshore trail with a MnDOT logo on it, stopped to talk with the driver, and learned that he was doing a speed study. It appears that the CSAH 112 speed study the Council has discussed for years is underway. Council member Joyce had also seen a truck out the previous Thursday in the vicinity of her house. Diercks confirmed he also had observed the truck out and it looked like the driver was using a radar gun. Council members discussed waiting for the results of the study.

ADJOURN

Hearing no objection, Mayor Miner adjourned the meeting by general consent at 7:38 pm.

Respectfully submitted,

Scott Weske
City Administrator